

Advisory Opinion

IECDB AO 2009-02

April 30, 2009

TO ALL INTERESTED PERSONS:

Pursuant to Iowa Code section 68B.32A(12) and rule 351—1.2, the Iowa Ethics and Campaign Disclosure Board issues this opinion on dates/times for filing campaign reports. We note at the outset that the Board's jurisdiction is limited to the application of Iowa Code chapters 68A and 68B, Iowa Code section 8.7, and rules in Iowa Administrative Code chapter 351. Advice in a Board opinion, if followed, constitutes a defense to a subsequent complaint based on the same facts and circumstances.

OPINION:

Iowa Code sections 68A.401 and 68A.402 set out due dates for campaign reports. These dates vary by the type of committee that is filing the report. Due to amendments to the laws and the various effective dates of the amendments, the Board issued IECDB Advisory Opinion 2008-13. Subsequent to that opinion, Iowa Code section 68A.401 was again amended concerning filings by state parties and state PACs and the Board issues this updated opinion.

Amendments Effective July 1, 2007:

1. Any campaign report that is due 5 days prior to an election must be physically received by the Board on the due date to be considered timely filed. "Physically received" means the report is either "electronically filed using the board's electronic filing system or is received by the board prior to 4:30 p.m. on the report due date" (2007 Iowa Acts, Chapter 61, section 1). This encompasses reports filed for committees involved in special elections, ballot issue elections, city elections, school board elections, and other political subdivision elections.

2. Ballot issue committees are required to file additional reports in a year that the issue appears on the ballot (2007 Iowa Acts, Chapter 65).

Amendments Effective May 12, 2008:

1. Any campaign report that is due less than 5 days prior to an election must be physically received by the Board on the due date to be considered timely filed. "Physically received" means the report is either "electronically filed using the board's electronic filing system or is received by the board prior to 4:30 p.m. on the report due date" (2008 Iowa Acts, SF 2400, sections 24 and 28). This encompasses

supplementary reports filed by candidates for statewide office and the General Assembly under Iowa Code section 68A.402(2)“b”.

Amendments Effective January 1, 2010:

1. A new candidate for statewide office or the General Assembly is required to file by 4:30 p.m. of the due date all statements of organization and campaign reports and is required to do so electronically using the Board’s electronic filing system (see 2007 Iowa Acts, Chapter 80, sections 2 and 5).

Amendments Effective May 1, 2010:

1. A state statutory political committee (state party) and a political committee expressly advocating for or against the nomination, election or defeat of a candidate for statewide office or the General Assembly (state PAC) is required to file by 4:30 p.m. of the due date all statements of organization and campaign reports and is required to do so electronically using the Board’s electronic filing system (2009 Iowa Acts, Senate File 51).

Amendments Effective January 1, 2012:

1. All candidates for statewide office or the General Assembly are required to file by 4:30 p.m. of the due date all statements of organization and campaign reports and are required to do so electronically using the Board’s electronic filing system (2007 Iowa Acts, Chapter 80, sections 2 and 5).

In closing, the Board notes that a statement of organization or campaign report that is not due by 4:30 p.m. of a due date is considered timely filed if it is filed by 11:59:59 the night of the due date or is mailed using a United States Postal Service postmark on the due date.

IECDB Advisory Opinion 2008-13 remains accurate and the only substantive change in the opinion herein is the addition of the paragraph discussing amendments effective May 1, 2010.

BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair
Janet Carl, Vice Chair
Gerald Sullivan
Betsy Roe
John Walsh
Patricia Harper

Submitted by: W. Charles Smithson, Board Legal Counsel